

C. Amendments to the drawings:

Please replace existing drawing sheet 4/8 with replacement drawing sheet 4/8 included herein. On drawing sheet 4/8, FIG. 10 has been amended to delete reference numeral 15, and FIG. 11 has been amended to delete reference numeral 12.

Please replace existing drawing sheet 5/8 with replacement drawings sheet 5/8 included herein. On drawing sheet 5/8, FIGs. 15, 16, and 17 have been amended to modify reference numeral 28.

REMARKS

Claims 4, 6, and 13-15 have been amended. Claims 1-3, 5, 7-12, and 16-19 have been cancelled. Claims 4, 6, and 13-15 remain in the application. Page 9 of the specification has been amended to better define the relationship between neck massage head 28 and rotating unit 56. FIGs. 10 and 11 of drawing sheet 4/8 have been amended to remove reference numerals 15 and 12 respectively. FIGs. 15, 16, and 17 of drawing sheet 5/8 have been amended to properly label neck massage head 28. No new matter has been added. Reexamination and reconsideration of the application as amended are respectfully requested. The Examiner's comments are shown in bold.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 12 and 15. . .

The Applicant has amended FIGs. 10 and 11 of drawing sheet 4/8 to remove reference numerals 15 and 12 respectively. Both replacement and annotated sheets 4/8 are included herein.

Claim Objections

Claim 3 is objected to because of the following informalities: on line 3, "said connection" should be changed to --a connection--. Appropriate correction is required.

The Applicant has cancelled Claim 3.

Claim Rejections - 35 USC § 102

Claims 1, 8, 13, and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Tseng (US 2004/0106882). . .

The Applicant has canceled Claims 1 and 8.

Regarding Claim 13:

The Applicant respectfully requests that the Examiner revisit the rejection of Claim 13. Claim 13 as amended contains the following limitations: (also refer to FIGs. 5 and 6 and the associated discussion)

said neck pad having an upper portion which is permanently attached to said outside cover; and,

said neck pad having a lower portion which is selectively connectable to said outside cover.

Tseng does teach an outside cover. However, Tseng does not teach (1) a neck pad having an upper portion which is attached to the outside cover, or (2) the neck pad having a lower portion which is selectively connectable to the outside cover.

Therefore in accordance with MPEP 2131 (all claim elements not taught), the Applicant submits that Claim 13 distinguishes from Tseng and should be allowable.

Regarding Claim 14:

The Applicant respectfully requests that the Examiner revisit the rejection of Claim 14. Claim 14 as amended contains the following limitations: (also refer to FIGs. 7 and 8 and the associated discussion)

said back pad selectively positionable over said outside cover.

Tseng does teach an outside cover, however Tseng does not teach a back pad with is selectively positionable over the outside cover.

Therefore in accordance with MPEP 2131 (all claim elements not taught), the Applicant submits that Claim 14 distinguishes from Tseng and should be allowable.

Claim Rejections - 35 USC § 103

Claims 2 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tseng in view of Hayashi (US 6,056,707)

The Applicant has canceled Claims 2 and 18.

Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tseng in view of Yamasaki et al (US 5,183,034) and further in view of Yamazaki et al (US 2003/0199796). . .

The Applicant has cancelled Claims 3 and 5.

Regarding Claim 4:

The Applicant respectfully requests that the Examiner revisit the rejection of Claim 4. Claim 4 has been reworded and rewritten in independent form to include the following limitation:
said neck massage head having a central axis which outwardly projects from said rotating unit toward said rotational axis.

Referring to FIGs. 16 and 17, it is noted that in the present invention the central axis 60 of the neck massage head 28 outwardly projects from rotating unit 56 toward rotational axis 58. That is, central axis 60 angles toward rotational axis 58. In fact, the two axes actually cross within the body of neck massage head 28.

Neither of the Yamazaki inventions disclose this feature. In both of the Yamazaki devices the massage heads outwardly project away from the rotational axis of the head (please refer to FIG. 8 in 5,183,034, and FIGs. 5 and 6 in 2003/0199796). As such, the circle traced by the tip of the rotating Yamazaki massage heads is much larger than the circle traced by the tip of the massage head of the present invention.

Therefore in accordance with MPEP 2143.03 (all claim limitations not taught), the Applicant submits that Claim 4 is unobvious over Tseng in view of Yamasaki et al (US 5,183,034) and Yamazaki et al (US 2003/0199796) and should be allowable.

Claims 6 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tseng. . .

The Applicant has cancelled Claim 17.

Regarding Claim 6:

The Applicant respectfully requests that the Examiner revisit the rejection of Claim 6 Claim 6 as amended contains the following limitation:

said there pairs of back massage heads including a lowest pair of back massage heads; and;

said lowest pair of back massage heads raised a distance ΔH from said other pairs of back massage heads.

Referring to FIG. 9 and the associated discussion, the lowest pair of back massage heads are raised a distance ΔH from the other two (upper) pairs of back massage heads. This offset feature of the present invention causes the lowest pair of back massage heads to conform to the inward curvature of the user's lower spine and resultantly relaxes muscles around vertebrae 1L through 5L.

Tseng does not teach or suggest this limitation.

Therefore in accordance with MPEP 2143.03 (all claim limitations not taught), the Applicant submits that 6 is unobvious over Tseng and should be allowable.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tseng in view of Zou (US 2003/0009117). . .

The Applicant has cancelled Claim 7.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tseng in view of Cutler et al. (US 6,290,661). . .

The Applicant has cancelled Claim 9.

Claims 10-12 and 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tseng in view of Cutler et al. (US 6,290,661). . .

The Applicant has cancelled Claims 10-12.

Regarding Claim 15:

The Applicant respectfully requests that the Examiner revisit the rejection of Claim 15. Claim 15 has been amended to depend from Claim 14, the original subject matter of Claim 15 has been deleted and the following subject matter added: (also refer to FIGs. 7 and 8 and the associated discussion)

a neck pad selectively positionable over said neck massage heads to lessen an intensity of massage;

said neck pad having an upper portion which is permanently attached to said outside cover;

said neck pad having a lower portion which is selectively connectable to said outside cover, and,

said back pad selectively connectable to said neck pad.

As was pointed out under the discussion of Claim 13 above, Tseng does not disclose the neck pad-related limitations. Further, Tseng does not disclose a back pad which is connectable to a neck pad. Therefore in accordance with MPEP 2143.03 (all claim limitations not taught), the Applicant submits that 15 is unobvious over Tseng in view of Cutler and should be allowable.

FIGs. 15-17 on drawing sheet 5/8 have been amended to correct the placement of reference numeral 28 (neck massage head). Both replacement and annotated sheet 4/8 are included herein.

Also, the first paragraph of page nine of the specification has been amended to recite that neck massage head 28 is connected to rotating unit 56 (as opposed to “includes”).

The Applicant honestly believes that the structure of the present invention as recited in the amended claims differs substantially from that of the cited prior art. In this amendment the

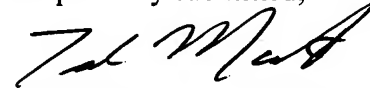
Applicant has attempted to add claim limitations which recite these structural differences. However, it is not always possible to present those limitations in a manner acceptable to the Examiner. Therefore, the Applicant would also appreciate any comments by the Examiner as to what specific claim language could be utilized to distinguish the claimed invention from the prior art.

A \$60 fee for a one month extension of time in accordance with 37 CFR 1.17(a)(1) is included herein.

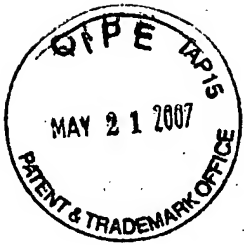
A \$100 fee for one additional independent claim is included herein.

In view of the above, Applicant respectfully requests allowance of all the claims remaining in the application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ted Masters", is written over the typed name.

Ted Masters Reg. 36,209
5121 Spicewood Dr.
Charlotte, NC 28227
(704) 545-0037



4/8

Fig. 9

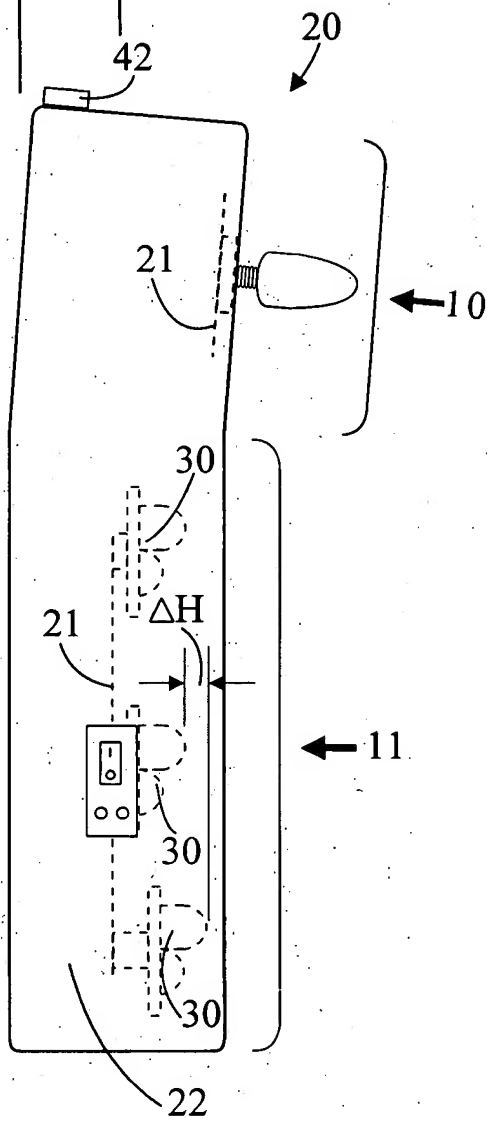
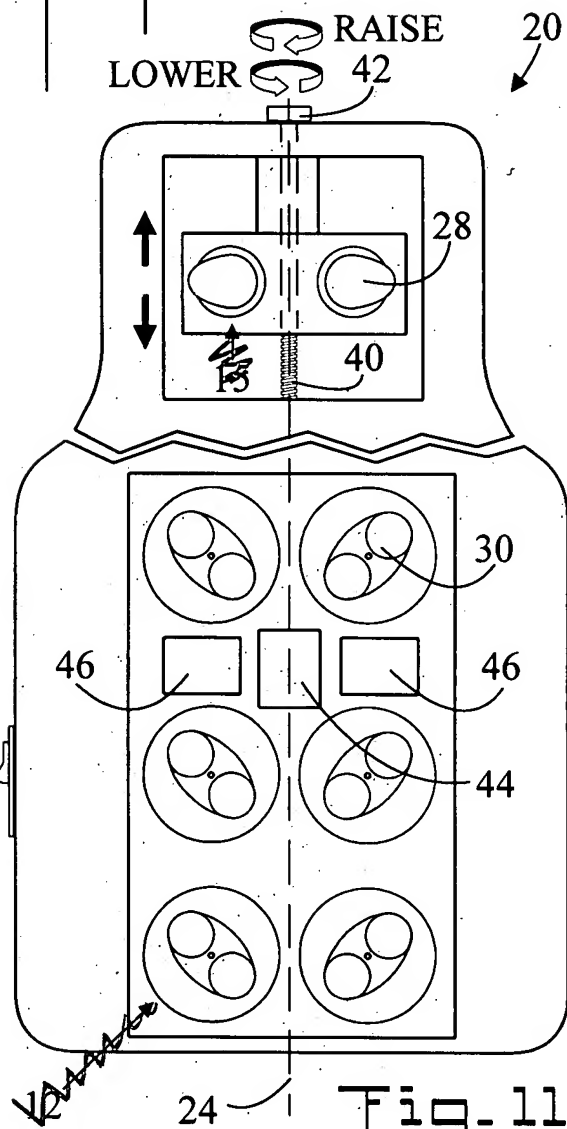


Fig. 10



5/8

Fig. 12

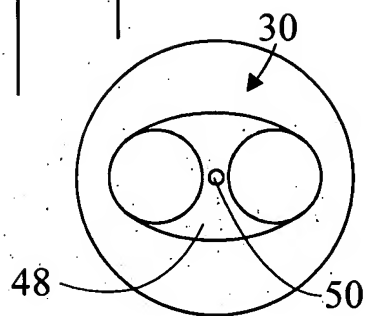


Fig. 15

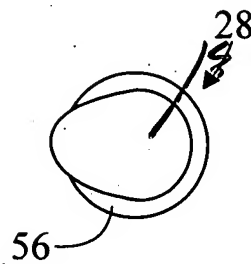


Fig. 13

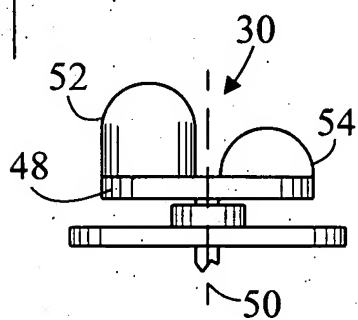


Fig. 16

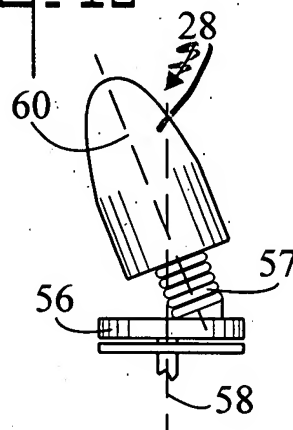


Fig. 14

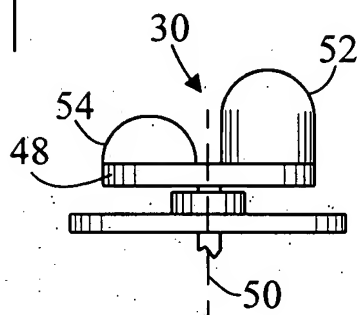


Fig. 17

